

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kotewicz *et al.*

Appl. No. 10/024,149

Filed: December 21, 2001

For: **Cloned Genes Encoding Reverse  
Transcriptase Lacking RNase H  
Activity**

Confirmation No. 4033

Art Unit: 1652

Examiner: *To Be Assigned*

Atty. Docket: 0942.049000A/RWE/MTT

**Twelfth Supplemental Information Disclosure Statement**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 is a document that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Twelfth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Eleventh Supplemental Information Disclosure Statement filed herewith in connection with the above-captioned application. All documents were cited and submitted to the Office in Application No. 09/220,330, filed December 24, 1998.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

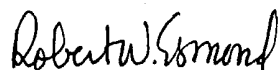
Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Twelfth Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Thus, no statement or fee is required.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: March 30, 2003

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| FORM PTO-1449<br><br><u>TWELFTH SUPPLEMENTAL</u><br><u>INFORMATION DISCLOSURE STATEMENT</u> | ATTY. DOCKET NO.<br>0942.049000A/RWE/MTT | APPLICATION NO.<br>10/024,149 |
|   | APPLICANTS<br>Kotewicz et al.            |                               |
|   | FILING DATE<br>December 21, 2001         | GROUP<br>1652                 |

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL |    | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB-<br>CLASS | FILING DATE |
|---------------------|----|-----------------|------|------|-------|---------------|-------------|
|                     | AA |                 |      |      |       |               |             |
|                     | AB |                 |      |      |       |               |             |
|                     | AC |                 |      |      |       |               |             |
|                     | AD |                 |      |      |       |               |             |
|                     | AE |                 |      |      |       |               |             |
|                     | AF |                 |      |      |       |               |             |
|                     | AG |                 |      |      |       |               |             |
|                     | AH |                 |      |      |       |               |             |
|                     | AI |                 |      |      |       |               |             |
|                     | AJ |                 |      |      |       |               |             |
|                     | AK |                 |      |      |       |               |             |

## FOREIGN PATENT DOCUMENTS

| EXAMINER<br>INITIAL |    | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB-<br>CLASS | TRANSLATION |
|---------------------|----|-----------------|------|---------|-------|---------------|-------------|
|                     | AL |                 |      |         |       |               | Yes<br>No   |
|                     | AM |                 |      |         |       |               | Yes<br>No   |
|                     | AN |                 |      |         |       |               | Yes<br>No   |
|                     | AO |                 |      |         |       |               | Yes<br>No   |
|                     | AP |                 |      |         |       |               | Yes<br>No   |

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

|  |    |     |   |
|--|----|-----|---|
|  | AR |     |   |
|  | AS | 108 | "Clontech's Memorandum in Support of Its Motion for Partial Summary Judgment That the Claims of the Patents-in-suit are Invalid for Failing to Satisfy the Written Description Requirement of 35 U.S.C. § 112, First Paragraph," dated December 28, 2001, from Invitrogen Corporation v. Clontech Laboratories, Inc., U.S. District Court, District of Maryland, Southern Division, Civil Action Nos. AW 96-4080 and AW 00-1879 |
|  | AT |     |   |

|          |                 |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.